

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELECTRICAL WORKERS PENSION  
TRUST FUND OF #58, IBEW, ET AL.,

Plaintiffs,

Case No. 09-11226  
Hon. George Caram Steeh

v.

SERVICE ELECTRIC COMPANY, INC.,

Defendant.

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ORDER ACCEPTING MARCH 30, 2010 REPORT AND RECOMMENDATION (#16)  
GRANTING PLAINTIFFS' AMENDED MOTION FOR ATTORNEYS' FEES AND COSTS  
(#13)

This matter is before the court on plaintiff's amended motion for attorneys' fees and costs. The court referred the matter to Magistrate Judge R. Steven Whalen. On March 30, 2010, Magistrate Judge Whalen issued a four-page Report and Recommendation, recommending that the court grant plaintiffs' motion. Magistrate Judge Whalen found that under 29 U.S.C. § 1132(g)(2), attorney fees are mandatory where there is a judgment in favor of a fiduciary in an action brought pursuant to Section 515 of the Employee Retirement Income Security Act, 29 U.S.C. § 1145. Plaintiff failed to file timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2).

Having reviewed the record and Report and Recommendation, and in the absence of timely objections, the court hereby ACCEPTS Magistrate Judge Whalen's well reasoned March 30, 2010 Report and Recommendation as its own. Plaintiffs' amended motion for attorney fees and costs is hereby GRANTED.

SO ORDERED.

Dated: May 17, 2010

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
May 17, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk